IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Bail Appl..No. 4764 of 2007()

O.R.NO.12/07 OF THE FOREST STATION, NACHIVAYAL.

PETITIONER/ACCUSED

THAJUDEEN ULLATTIL,
ULLATTIL HOUSE,
KARUVAMBRAM P.O.,
MANCHERI, CHADIKALLU,
MALAPPURAM.

BY ADV. SRI.BENOY K.KADAVAN
SRI.JOY C. PAUL

RESPONDENTS: COMPLAINANT

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,,ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4764 OF 2007

Dated this the 10th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner has already been arrested as the 10th accused in O.R.No.12/07 before the Forest Station, Nachivayal. He has already been released on bail subject to conditions in the said crime. The condition of bail obliges him to report before the Investigating Officer. He has been complying with that condition. The nature of questions put to him by the Investigating Officer instils in the mind of the petitioner an apprehension that he may be arrested as accused in some other forest crime registered at that station. It is, in these circumstances, that the petitioner has come to this Court with this application for anticipatory bail.

2. The learned counsel for the petitioner submits that the apprehension of the petitioner is real. The nature of questions

put to him by the Investigating Officer instils in him the apprehension that notwithstanding the fact that he has obtained an order of bail, he may subsequently be arrested in connection with some other forest crime. He claims that anticipatory bail may be granted to the petitioner.

3. Notice was given. The learned Public Prosecutor has taken instructions. The learned Public Prosecutor submits that the petitioner is required to be arrested only in one more case i.e., O.R.No.11/07 before the same Forest Station. In that case, the petitioner has not been formally arrayed as an accused so far; but the learned Public Prosecutor submits that his arrest may be required in that crime. However, it is submitted that the Investigator has no objection, on condition that the petitioner shall co-operate with the Investigator, against the granting of anticipatory bail to the petitioner in that crime also. The petitioner, at any rate, has to appear before the Investigator in O.R. No.12/07. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner in O.R.No.11/07 also, submits the learned Public Prosecutor.

4. In the absence of controversy as indicated above, I am satisfied that directions under Sec.438 of the can safely be issued in favour of the petitioner.

5. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall make himself available for interrogation before the Investigating Officer on every alternate day as he is obliged as per the condition of bail in O.R.No.12/07 until the said condition in O.R.No.12/07 is modified by the learned Magistrate.

(ii) If the petitioner were arrested as accused in O.R.No.11/07, he shall be released from bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge